

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARDELL LEE WYATT,

Petitioner,

Civil Action No.
07-CV-12896

vs.

HON. BERNARD A. FRIEDMAN

GERALD HOFBAUER,

Respondent.

_____ /

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION, GRANTING RESPONDENT'S
MOTION FOR SUMMARY JUDGMENT, AND DISMISSING THE PETITION**

Magistrate Judge Paul Komives has submitted a report and recommendation in which he recommends that the court grant respondent's motion for summary judgment and dismiss the petition on the grounds it is time-barred. Neither party has objected to the report and recommendation, and the time for them to do so has expired. The court has reviewed the report and recommendation and is persuaded that the magistrate judge has correctly analyzed all of the issues. Accordingly,

IT IS ORDERED that Magistrate Judge Komives' report and recommendation dated July 22, 2008, is accepted and adopted as the findings and conclusions of the court.

IT IS FURTHER ORDERED that respondent's motion for summary judgment is granted.

IT IS FURTHER ORDERED that the petition in this matter is dismissed on the grounds it is time-barred.

S/Bernard A. Friedman
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: August 13, 2008
Detroit, Michigan

I hereby certify that a copy of the foregoing document was served upon counsel of record by electronic and/or first-class mail.

S/Carol Mullins
Case Manager to Chief Judge Friedman